





**CALFED  
BAY-DELTA  
PROGRAM**

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## **M e m o r a n d u m**

Date: November 9, 1999

To: CALFED Policy Group

From: Steven R. Ritchie  
Acting Executive Director

Subject: CALFED Long-term Governance

### **Summary**

Since Policy Group last met in early October, CALFED staff have continued to work with agencies, stakeholders, and legislative staff on the proposal for long-term governance for the CALFED Program. CALFED staff are working to resolve open issues and add additional details to the CALFED Straw Proposal. At the November meeting, Policy Group will be provided with a status report on the program and be asked to concur in program direction.

### **Detailed Discussion**

At the October 5<sup>th</sup> Policy Group meeting, staff provided the Straw Proposal for CALFED Long-term Governance (Attachment 1). The Straw Proposal describes a general framework for long-term governance. Over the last month the Straw Proposal has been reviewed by CALFED agencies, the BDAC Governance Work Group and BDAC. Based on the comments provided by stakeholders and agencies, CALFED will develop a more detailed proposal for additional review and circulation. A revised proposal will be provided to BDAC and Policy Group at their meetings in December for review and recommendation. The Legislature is expected to schedule a CALFED hearing in early January and include the topic of long-term governance. BDAC and Policy Group will be asked in December whether they support a framework for CALFED governance that may inform the Legislature and Congress at future hearings.

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#### **CALFED Agencies**

**California** The Resources Agency  
Department of Fish and Game  
Department of Water Resources  
California Environmental Protection Agency  
State Water Resources Control Board  
Department of Food and Agriculture

**Federal** Environmental Protection Agency  
Department of the Interior  
Fish and Wildlife Service  
Bureau of Reclamation  
U.S. Geological Survey  
Bureau of Land Management  
U.S. Army Corps of Engineers

Department of Agriculture  
Natural Resources Conservation Service  
U.S. Forest Service  
Department of Commerce  
National Marine Fisheries Service  
Western Area Power Administration

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BDAC Direction on Straw Proposal. At the October BDAC meeting, members indicated support for creating a new state and federal CALFED Commission to provide coordination and oversight, but BDAC had many issues that they wanted addressed at the next BDAC meeting and in the next draft proposal. Those issues include:

- Commission representation, including the questions of tribal representation
- ERP governing structure
- Whether to create a new ERP entity or manage the ERP within the new Commission
- The role of the ERP in managing the Environmental Water Account
- How financing will be affected by the governing structure
- The feasibility of submitting a legislative proposal with two new governing structures
- The relationship of the Commission to the existing CALFED agencies that will not be on the Commission
- The relationship of the Commission and agencies with independent regulatory authorities
- The role of CMARP in the Commission
- Whether the governance proposal should be packaged with other CALFED legislative proposals

Areas of General Agreement. Summarized below are the areas where there is general agreement among CALFED agencies, Policy Group, BDAC and stakeholders.

- A new CALFED Commission is needed for oversight and coordination.
- A new Commission should be a joint federal and state entity with strong state and federal participation and support.

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- Members of a Commission should include state and federal agency and public representatives.
- The Commission should have sufficient authority to ensure CALFED objectives are met.
- Science Review is needed at least two levels--for the CALFED program as a whole and for each program area.

Open Issues. Summarized below are the main issues that are either undecided or need additional description and detail in the next draft.

1. ERP structure. The Straw Proposal recommends that the ERP be housed within the new Commission. The BDAC Governance Work Group, in varying levels of support, recommended a separate entity for the ERP that would serve the lead program management functions for the ERP. Under the Work Group proposal, the new ERP entity would be overseen by the new Commission and the Commission would have authority over ERP priorities and budgets. CALFED staff are working with agencies and stakeholders to identify the critical functions for a successful ERP and the resulting structural options for achieving those functions.
2. Commission role and authorities in program budgets and priorities. There is general agreement that the new Commission should have sufficient authority to ensure CALFED objectives are met. Therefore, the specific authority that the Commission should have over new and existing programs needs to be determined. Staff are reviewing existing law and authorizations to determine how existing programs and funding relate to the CALFED objectives. If there is a strong link between existing programs and the CALFED objectives, then coordination between programs needs to be maximized. In some cases, new and existing programs, priorities or budgets may need review and approval by the Commission. The revised Governance proposal will include proposed changes to existing law or department procedures regarding coordination and consistency with CALFED Commission.
3. Commission membership. The Policy Group, BDAC, and other stakeholders have raised questions about the appropriate representation on the Commission, and the appropriate size of the Commission. Requests have been made for additional agency

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members and public members. CALFED staff are determining how to provide broad agency and public input in CALFED program implementation without creating a Commission that is too large and therefore less effective.

**Action:**

Concurrence. Policy Group will be asked to concur in the proposed general framework for a long-term governance structure, given that there are several open issues yet to be resolved and additional detail to be provided. CALFED staff will be seeking Policy Group approval on the amended long-term governance proposal at its next meeting on December 15, 1999.